

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

BRIAN J. RIGG

Plaintiff(s),

v.
EXELON CORPORATION/
EXELON BSC, LLC
Defendant(s).

Case 1:19-cv-08141
Judge: Harry D. Leinenweber
Magistrate Judge: Jeffrey Cummings

FILED

DEC 12 2019 *AM*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is BRIAN J. RIGG of the
county of COOK in the state of ILLINOIS.

3. The defendant is EXELON CORPORATION / EXELON BSC, LLC, whose

(AGENT) street address is 350 S. NORTHWEST HWY, #300,

(city) PARK RIDGE (county) COOK (state) IL (ZIP) 60068

(Defendant's telephone number) () - _____

4. The plaintiff sought employment or was employed by the defendant at (street address)

10 S. DEARBORN ST. (city) CHICAGO

(county) COOK (state) IL (ZIP code) 60603

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) FEBRUARY, (day) 15, (year) 2018.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ *has* ☐ *has not* filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) SEPTEMBER (day) 04 (year) 2019.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, but plaintiff will file a copy of the charge within 14 days.

(SEE: EXHIBIT (A) ATTACHED)

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

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defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____

(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) SEPTEMBER (day) 14 (year) 2019 a copy of which *Notice* is attached to this complaint.

(SEE: EXHIBIT (B) ATTACHED)

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
 - (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
 - (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the ADA by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
 - (b) ☒ terminated the plaintiff's employment.
 - (c) ☒ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☐ failed to stop harassment;
 - (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify): _____

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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13. The facts supporting the plaintiff's claim of discrimination are as follows:

(SEE ATTACHED STATEMENT FOR (13))

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): (SEE ATTACHED STATEMENT FOR (16f))

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

"Complaint of Employment Discrimination" - ITEM # 13

I began my full-time employment with ComEd/Exelon on January 16, 1995. My position at the time of Termination of Employment on August 28, 2019 was Senior Video Producer. At my last Performance Review on January 24, 2019, I received a rating of "Meaningful Impact" from my Manager. I received the same rating the year before.

In late January 2018, my Department Manager (male, white, over 40), and the Supervisor of the Baltimore Office (male, white, over 50) were dismissed. Both individuals were dismissed on the pretext that they engaged in conduct warranting dismissal.

Beginning in or about February 2018, I requested a promotion from a female Vice President, because I was doing not only my work, but the work of my dismissed Supervisor. My request was denied.

I renewed my request for promotion to Supervisor in or about July 2018 from another female Director we were now answering to, and was again denied. Also in or about July 2018, a female from Baltimore was promoted to perform the duties of the position I sought promotion to. In the meeting with our new female Director and a rep from Human Resources in or about July 2018, at which I was denied my request for promotion, when I pointed out there had always been local Supervisors both in Chicago and Baltimore, I was told, *"Stop living in the past. We're all one team, there is no Baltimore and Chicago. Stop letting the past dictate our future."*

In or about May 2019, a new Creative Director position was created for a female employee (under 40 years old), who was hand-picked and appointed by our female Senior Vice President. When I requested a promotion for the third time, pointing out to the new Director all the supervisory work I had been doing to keep the Chicago Dept running the last year-and-a-half, I was again ignored.

Over the course of 2018 and 2019, I never received compensation or promotion for the supervisory duties I had been performing. I was terminated on August 28, 2019. In or about November 2019, two white male Contractors (over 50) were terminated.

"Complaint of Employment Discrimination" - ITEM # 16f

Direct the Defendant(s) to compensate the Plaintiff for his back pay from the date of Termination until re-hire; for any increases in pay due to the failure to promote; for front pay in the event the Defendant(s) refuse to re-employ the Plaintiff; and all compensatory and punitive damages, and attorney's fees and costs.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

- _____
- _____
- _____
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

Brian J. Rigg
(Plaintiff's signature)

BRIAN J. RIGG
(Plaintiff's name)

17633 CORONADO DR
(Plaintiff's street address)

(City) ORLAND PARK (State) IL (ZIP) 60467

(Plaintiff's telephone number) (630) - 456-0175

Date: ~~12/10/19~~ 12/12/19 (RR)

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 440-2019-07146	
Illinois Department Of Human Rights and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. Brian J Rigg		Home Phone (630) 456-0175	Year of Birth 1963
Street Address City, State and ZIP Code 17633 Coronado Dr., ORLAND PARK, IL 60467			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name EXELON CORPORATION		No. Employees, Members 501+	Phone No. (800) 483-3220
Street Address City, State and ZIP Code 10 S. Dearborn St. 48th Fl., CHICAGO, IL 60603			
Name 		No. Employees, Members 	Phone No.
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 08-28-2019 08-28-2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). I began my employment with Respondent on or about January 16, 1995. My most recent position was Sr. Video Producer. On or about August 28, 2019, I was discharged. I believe I was discriminated against because of my race, White, and my sex, male, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I was discriminated against because of my age, 55 (Year of Birth: 1963), in violation of the Age Discrimination in Employment Act of 1967, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. Digitally signed by Brian Rigg on 09-04-2019 10:10 AM EDT		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EXHIBIT (A)

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Brian J. Rigg**
17633 Coronado Dr.
Orland Park, IL 60467

From: **Chicago District Office**
230 S. Dearborn
Suite 1866
Chicago, IL 60604



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2019-07146

Grace Gountanis,
Investigator

(312) 872-9684

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



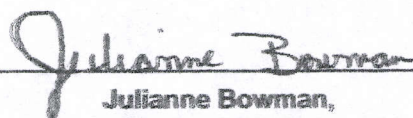
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Julianne Bowman,
District Director

9/12/19
 (Date Mailed)

cc:

COMMONWEALTH EDISON/EXELON

c/o Susan Rider, Esq.
 Associate General Counsel
 10 S. Dearborn St., Suite 4900
 Chicago, IL 60603

EXHIBIT (B)